

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER WATKINS, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

RAPID FINANCIAL SOLUTIONS, INC.
d/b/a/ ACCESS FREEDOM CARDS;
AXIOM BANK N.A.; KEEFE
COMMISSARY NETWORK, LLC d/b/a
ACCESS SECURE RELEASE; and DOES
1 through 10, inclusive,

Defendants.

CASE NO. 3:20-cv-00509-MMD-CSD

ORDER

**(1) CONDITIONALLY CERTIFYING
SETTLEMENT CLASS;**

**(2) PRELIMINARILY APPROVING THE
CLASS SETTLEMENT;**

**(3) APPOINTING CLASS
REPRESENTATIVE AND CLASS
COUNSEL;**

**(4) APPROVING CLASS NOTICE AND
RELATED MATERIALS;**

**(5) APPOINTING SETTLEMENT
ADMINISTRATOR; AND**

**(6) SCHEDULING FINAL APPROVAL
HEARING**

Having considered the Joint Motion of Plaintiff Christopher Watkins and Defendant, Rapid Financial Solutions, Inc. d/b/a Access Freedom Cards Axiom Bank N.A., and Keefe Commissary Network, LLC for Preliminary Approval of Class Action Settlement, and all supporting legal authorities and documents, the Court finds the Joint Motion appropriate for decision on the papers, and further orders as follows:

IT IS SO ORDERED:

1. The Court has original jurisdiction over Plaintiffs' federal law claims pursuant to

1 the federal Electronic Funds Transfer Act, 15 U.S.C. § 1693 *et seq.*, and the Court has
2 supplemental jurisdiction over Plaintiff's state-law claims because they arise from the same
3 alleged transactions and occurrences as do Plaintiff's federal-law claims.

4 2. The proposed settlement class satisfies the requirements of a class action
5 settlement class under Fed. R. Civ. P. 23, because the class members are readily ascertainable,
6 and a well-defined community of interest exists in the common questions of law and fact
7 affecting the parties.

8 3. The following classes of persons are certified in this action solely for the purposes
9 of the Settlement:

10 All persons who, at any time between July 31, 2016 and October 20, 2016, or after
11 January 18, 2024 to the present and were: (1) released from a jail, detention center,
12 or prison located in the State of Nevada, (2) entitled to the return of money either
13 confiscated from them or remaining in their inmate account when they were
14 released, (3) issued a prepaid debit card from Defendant Rapid Financial Solutions
or its affiliates, and/or Defendant Axiom Bank N.A. of Florida, and/or Defendant
Keefe Commissary Network and were subject to fees, charges, and restrictions,
and (4) not offered an alternative method for the return of their money.

15 4. The Parties' Settlement Agreement (the "Settlement") is granted preliminary
16 approval as it meets the criteria for preliminary settlement approval. The Settlement falls within
17 the range of possible approval as fair, adequate, and reasonable to all potential members of the
18 Settlement Class when balanced against the probable outcome of further litigation and ultimately
19 relating to liability and damages issues and appears to be the product of arm's length and
20 informed negotiations.

21 5. The Parties' proposed notice plan is constitutionally sound because individual
22 notices will be mailed to all class members whose identities are known to the Parties, and such
23 notice is the best notice practicable. The Parties' proposed Notice of Proposed Settlement of
24 Class Action, Preliminary Approval of Settlement, and Hearing Date for Final Court Approval
25 (Exhibit A) (the "Notice") is sufficient to inform members of the Class of the terms of the
26 Settlement, their rights under the Settlement, their rights to object to the Settlement, their right to
27 receive a proportionate Settlement Share or exclude themselves/Opt-Out and not to participate in
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1 the Settlement, and the processes for doing so, and the date and location of the final approval
2 hearing, and therefore are approved.

3 6. Any member of the Class who does not submit a request to exclude themselves /Opt-
4 Out within thirty (30) days after the date the Settlement Administrator mails the Notice Packet
5 will receive a Settlement Share.

6 7. Those members of the Class who wish to comment on or object to the Settlement
7 have until thirty (30) days after the mailing of the Class Notice Packet to submit their comments
8 or objection pursuant to the procedures set forth in the Class Notice.

9 8. Phoenix Action Administration Solutions is appointed to act as the Settlement
10 Administrator, pursuant to the terms set forth in the Settlement.

11 9. Plaintiff Christopher Watkins is appointed as Class Representative, and the Court
12 preliminarily approves a Case Contribution Payment in the amount of \$15,000.00 to Plaintiff
13 Watkins.

14 10. Mark R. Thierman, Joshua Buck and Leah L. Jones of Thierman Buck, LLP,
15 Chrisitan Gabroy and Kaine Messer of Gabroy Messer Law Offices, and Lance Hendron of
16 Hendron Law Group, LLC are appointed Class Counsel, and the Court preliminarily approves
17 their attorneys' fee request of no more than \$500,000.00 and litigation costs not to exceed
18 \$10,000.00.

19 11. The Class Notice Packet will be disseminated according to the notice plan
20 described in the Settlement Agreement and substantially in the form submitted by the Parties.
21 Proof of distribution of notice will be filed by the parties at or prior to the final approval hearing.

22 12. Defendants are directed to provide the Settlement Administrator as soon as
23 possible using best efforts, and in no event later than ten (10) business days after the date of this
24 order, the Class Data as specified by the Settlement Agreement and Plaintiff's Class Counsel shall
25 provide to the Settlement Administrator any and all information regarding current addresses of
26 class members.

27 13. The Settlement Administrator is directed to mail the approved Class Notice by
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1 first-class mail to members of the respective classes as soon as possible using best efforts, with
2 the intent of issuing the Notice Packet to every Class Member by **December 26, 2024** such that
3 all claims must be filed by **January 27, 2025**.

4 14. Thus, a final hearing will be held in Courtroom 5 on **March 26, 2025, at 10:00**
5 **a.m.**, to determine: (1) whether the proposed Settlement is fair, reasonable, and adequate and
6 should be finally approved by the Court; (2) the amount of attorney's fees and litigation costs to
7 award to Class Counsel; (3) the amount to be paid to the Claims Administrator; and (4) the
8 amount of the Case Contribution Award to the Class Representative. The Court will hear all
9 evidence and argument necessary to evaluate the Settlement, and Class Members and their
10 counsel may support, oppose, or comment upon the Settlement if they so desire, as set forth in the
11 Class Notice.

12 15. Any Class Member may appear at the final approval hearing in person or by his or
13 her own attorney and show cause why the Court should not approve the Settlement or object to
14 the award of the Class Representative Payment or the Class Counsel Fees and Costs. For any
15 comments or objections to be considered at the hearing, the Class Member must file written
16 objections and/or comments with the Clerk of Court setting forth the nature of his/her comments,
17 support or objection, and serve the same on counsel for the Parties not later than thirty (30)
18 calendar days after the Settlement Administrator mails the Class Notice Packets.

19 16. If no objections or comments are made to the Settlement, the Parties may apply to
20 the Court to expedite the date of the final approval hearing. The Court reserves the right to
21 continue the date of the final approval hearing without further notice to Class Members. The
22 Court retains jurisdiction to consider all further applications arising out of or in connection with
23 the Settlement.

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1 17. All papers filed in support of final approval of the settlement and response to any
2 objections will be filed no later than **February 24, 2025**.

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4 Dated: November 26, 2024.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

Hon. Miranda M. Du
United States District Judge